

United States District Court

SOUTHERN DISTRICT OF CALIFORNIA

FILED

Jan 21, 2021

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA

V.

Matthew Saldana (1)

WARRANT FOR ARREST

Case Number: 20-cr-02562-LAB-1

95856 298

NOT FOR PUBLIC VIEW
1:21-mj-00003-SAB

To: The United States Marshal
and any Authorized United States Officer

YOU ARE HEREBY COMMANDED to arrest

Matthew Saldana (1)

Name

and bring him or her forthwith to the nearest magistrate to answer a(n)

☐ Indictment ☐ Information ☐ Complaint ☐ Order of Court ☐ Violation Notice ☐ Probation Violation Petition
☒ Pretrial Violation

charging him or her with (brief description of offense):

SEALED
 2021 JAN 15 PM 2:02
 U.S. DISTRICT COURT
 EASTERN DISTRICT OF CALIFORNIA
 VED
 1/15/21
In violation of Title See Above United States Code, Section(s) _____

John Morrill

Name of Issuing Officer

Clerk of the Court

Title of Issuing Officer

s/ S. Dunbar

Signature of Deputy

1/15/2021 San Diego, CA

Date and Location

Bail fixed at \$ NO BAILby The Honorable Larry A. Burns

Name of Judicial Officer

RETURN

This warrant was received and executed with the arrest of the above-named defendant at _____

DATE RECEIVED

NAME AND TITLE OF ARRESTING OFFICER

SIGNATURE OF ARRESTING OFFICER

DATE OF ARREST



01/21/21

02/20/21

EXHIBIT (1)

EXHIBIT (1)

02/20/21

Name of Defendant: SALDANA, Matthew

January 8, 2021

Docket No.: 3:20CR2562LAB-001

Page 1

PS8C
(09/20)

January 8, 2021

**UNITED STATES DISTRICT COURT
FOR THE
SOUTHERN DISTRICT OF CALIFORNIA**

Petition for Summons for Defendant on Pretrial Release

Name of Defendant: SALDANA, Matthew

Dkt No.: 3:20CR2562LAB-001

Reg. No.: 95856-298

Name of Judicial Officer: The Honorable Larry Alan Burns, Chief U.S. District Judge (Click here for JUDGE Title Options: U.S. Magistrate Judge)

Date Conditions Ordered: July 28, 2020, before the Honorable Andrew G. Schopler, U.S. Magistrate Judge

Charged Offense: 21:952 and 960- Importation of Cocaine (26.6 kilograms)

Conditions of Release: The defendant must not violate federal, state, or local law during the period of release; the defendant must cooperate in the collection of a DNA sample as authorized by 42 U.S.C. § 14135a; the defendant must appear in court as ordered and surrender as directed to serve any sentence; the defendant must not possess a firearm, destructive device, or other dangerous weapon; the defendant must not use or possess a narcotic drug or other controlled substance without a lawful medical prescription. The defendant must not use or possess marijuana under any circumstances; the defendant must report to the U.S. Pretrial Services Office (telephone (619) 557-5738) on the day of the initial court appearance or within 24 hours of the defendant's release from custody, whichever is later. Throughout this case, the defendant must report as directed by the Pretrial Services Office and follow all directions of the Pretrial Services Office; the defendant must advise the Court or the Pretrial Services Office in writing of: (1) the defendant's current residence address and phone number, when first reporting to Pretrial Services; and (2) any new contact information, before making any change of residence or phone number; the defendant must read this Pretrial Release Order and the "Advice of Penalties and Sanctions" form, or have them read to the defendant in the defendant's native language. The defendant must acknowledge the defendant's understanding of all the pretrial release conditions and the penalties and sanctions for any violations, by signing the "Advice of Penalties and Sanctions" form. Restrict travel to: State of California, do not enter Mexico, Any travel outside the Southern District of California will be at the defendant's own expense; actively seek or continue full-time employment, or schooling, or a combination of both; surrender any valid passport to Pretrial Services and not obtain a passport or other international travel document; submit to psychological/psychiatric treatment at Pretrial Services' discretion; submit to drug testing no more than four times per month and/or outpatient substance abuse therapy and counseling, as directed by the Pretrial Services Office. Testing may include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing. Pretrial Services need not notify the Court of test results attributed to residual elimination; and the defendant must execute an appearance bond in the amount of \$ 15,000 personal appearance bond secured by the signature of one financially responsible (related) adult.

Modification: None

Date Released on Bond: September 17, 2020

Next Court Hearing: Sentencing continued to March 29, 2021, at 9:00 a.m. before your Honor.

Name of Defendant: SALDANA, Matthew

January 8, 2021

Docket No.: 3:20CR2562LAB-001

Page 2

Asst. U.S. Atty.: Charlotte Kaiser
619-546-7282**Defense Counsel:** Stephen Lemish (appointed)
619-444-5525

Prior Violation History: On December 22, 2020, the Court was notified the defendant submitted a diluted urine sample in November 3, 2020. Your Honor was also informed Mr. Saldana failed to appear for drug testing on November 14; December 5, 16, 2020. Furthermore, Mr. Saldana was not responding to his dual diagnosis counselor via telephone or text messages. The defendant was admonished by Pretrial Services officers in the Eastern District of California and Mr. Saldana related he would commit to making future drug tests and counseling sessions. Your Honor agreed to hold action in abeyance.

PETITIONING THE COURT

TO SUMMON THE DEFENDANT TO APPEAR IN COURT AND ADDRESS THE ALLEGATIONS

The Pretrial Services officer believes that the defendant has violated the following condition(s) of pretrial release:

CONDITION(S)

Submit to drug testing no more than four (4) times per month and/or outpatient substance abuse therapy and counseling, as directed by Pretrial Services office. Testing may include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing. Pretrial Services need not notify the Court of test results attributed to residual elimination

ALLEGATION(S) OF NONCOMPLIANCE

1. The defendant provided a diluted urine sample at Legacy Behavioral Services in the Eastern District of California, on November 3, 2020.
2. The defendant failed to report for drug testing at Legacy Behavioral Services in the Eastern District of California, on November 14; December 5, 16, 2020; and January 7, 2021.

Grounds for revocation:

The defendant is residing the Eastern District of California and supervised by Pretrial Services Officer (PSO) Anthony Perez. The undersigned received and reviewed the Pretrial Services Reporting Instructions verbally acknowledged by Mr. Saldana on October 14, 2020, which directs the defendant to limit his water consumption on testing days to avoid a "diluted" sample.

On November 15, 2020, PSO Perez informed our office the defendant submitted a diluted urine specimen on November 3, 2020. PSO Perez addressed this with the defendant and re-instructed Mr. Saldana not to consume an excess of fluids prior to testing.

On November 15, 2020, PSO Perez informed our office the defendant failed to appear for drug testing on November 14, 2020. PSO Perez addressed the missed test with the defendant. Mr. Saldana reported he was unaware there was drug testing on the weekends. PSO Perez admonished the defendant and reminded the defendant he should be calling the testing line every day including holidays and weekends.

On December 17, 2020, Deputy Chief Pretrial Services Officer (DCPSO) Beth Wetteland contacted our office to inform the defendant failed to appear for drug testing on December 16, 2020. Additionally,

Name of Defendant: SALDANA, Matthew

January 8, 2021

Docket No.: 3:20CR2562LAB-001

Page 3

defendant reported he was unable to test due to work. DCPSO Wetteland advised Mr. Saldana of the testing hours and noted he should have had time to test between his two jobs. The defendant acknowledged and stated, "I understand, I messed up." The defendant denied any illegal drug use. DCPSO Wetteland advised the defendant that although work is important, he needs to show up to all drug testing and counseling and to make this a priority. The defendant acknowledged and indicated he is committed to making his future drug tests and counseling sessions.

On January 7, 2021, PSO Perez informed the undersigned the defendant failed to appear for drug testing on January 7, 2021. PSO Perez addressed the missed test with the defendant. Mr. Saldana reported he worked from 6:00 a.m. until 2:40 p.m. and the drug testing site was open from 7:00 a.m. to 11:00 a.m. PSO Perez admonished the defendant and reminded the defendant the importance of reporting to his drug tests when scheduled.

CONDITION(S)

Submit to psychological/psychiatric treatment at Pretrial Services' discretion.

ALLEGATION(S) OF NONCOMPLIANCE

3. The defendant failed to report to his dual diagnosis counseling appointment in the Eastern District of California, on November 3, 2020.

Grounds for revocation:

On November 15, 2020, PSO Perez informed our office the defendant's dual diagnosis counselor has been attempting to contact the defendant via telephone and text message and the defendant has not responded. PSO Perez contacted the defendant and reminded him to stay in contact with his counselor and to contact the counselor first thing the following day.

On January 11, 2021, PSO Perez related the Legacy Behavioral Services Inc, in Visalia, California reported the defendant was in full compliance with his mental health counseling for the past month.

SUPERVISION ADJUSTMENT

Mr. Saldana has been on pretrial supervision for almost four months and has only provided one drug test which was dilute. The defendant continues to be non-compliant after being afforded many opportunities to abide by the court's conditions of release and submit to drug testing. Pretrial Services views the defendant's supervision adjustment as poor. PSO Perez has reminded the defendant of his conditions of release and the importance of attending his random drug tests.

Computerized records check reveals no new arrests or convictions.

RECOMMENDATION/JUSTIFICATION

Pretrial Services respectfully requests an Order to Show Cause Hearing be scheduled as ordered by Your Honor so the defendant may show cause why his bond should not be revoked.

PS8C
(09/20)

Name of Defendant: SALDANA, Matthew

January 8, 2021

Docket No.: 3:20CR2562LAB-001

Page 4

I declare under penalty of perjury that the
forgoing is true and correct.

Executed on: January 11, 2021

Respectfully submitted:

Review and approved:

Lori Garofalo

Chief U.S. Pretrial Services Officer

by Silvana Patton

Silvana Patton

U.S. Pretrial Services Officer

619-446-3617

Place: San Diego, California

Kim Hazard

Kim Hazard

Supervisory U.S. Pretrial Services Officer

THE COURT ORDERS:

 AGREE, schedule the Order to Show Cause Hearing as ordered by Your Honor on

_____.

 X Other ISSUE A NO BAIL BENCH WARRANT FOR THE DEFENDANT'S ARREST
AND ORDER HIM TO SHOW CAUSE WHY HIS BOND SHOULD NOT BE
REVOKED.

Larry A. Burns

The Honorable Larry Alan Burns

Chief U.S. District Judge

1/15/2021

Date